

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2243 OF 2007

Shri.Sudhakar Kashinath Koshti. ...Petitioner

vs.

The State of Maharashtra & ors. ...Respondents.

Mr.P.L.Bhujbal, for Petitioner.

Mr.M.S.Karnik, for Respondent no.5.

Mr.P.P.Kakade, GP for Respondent nos.1 to 3.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 29th NOVEMBER, 2007.

P.C.:-

1. Heard the learned Counsel appearing for the parties. The petitioner had filed earlier

petition viz. Writ petition no.1897 of 2005. That writ petition was disposed of by order dated 3.3.2006. By that order, the petitioner was directed to make application to Sub-Divisional Officer. The application made to Sub-Divisional officer has been decided by the Sub-Divisional Officer by his order dt.31.7.2006 which is at "Exhibit M" to the petition. The Sub-Divisional officer has held that the permission has been granted to respondent no.5 to use the land for non agricultural purpose. The remedy of the petitioner was to file appeal against that order. Even this order passed by the Sub-Divisional officer is not challenged in this petition. Without challenging that order and without challenging the order initially passed by the authority permitting the respondent to use the land for non agricultural purpose, the petitioner has been repeatedly filing the petitions. The petitioner has to exhaust the remedy provided by the law dealing with the use of land. The

petitioner is not supposed to misuse the extraordinary jurisdiction conferred on this Court by repeatedly filing the writ petitions. The petition is therefore, rejected.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)

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